

A simple statement of the law on

Single-sex services and workplace facilities

On 13th February 2026 the High Court handed down judgment in *Good Law Project and others v Equality and Human Rights Commission*.

The High Court considered the **interim update** published by the EHRC explaining the practical implications of the Supreme Court's ruling on 16th April 2025 which confirmed that "sex" in the Equality Act 2010 is defined by biology. Women are female and men are male.

The High Court found that the information in the interim update was accurate and lawful. **The EHRC's interim update provides a simple, workable statement of the law for employers and service providers to follow without delay.**

In relation to **workplaces**, requirements are set out in the *Workplace (Health, Safety and Welfare) Regulations 1992*. These require suitable and sufficient facilities to be provided including toilets and sometimes changing facilities and showers. Toilets, showers and changing facilities may be mixed-sex where they are in a separate room lockable from the inside. Where changing facilities are required under the regulations, and where it is necessary for reasons of propriety, there must be separate facilities for men and women or separate use of those facilities such as separate lockable rooms.

It is not compulsory for **services** that are open to the public to be provided on a single-sex basis or to have single-sex facilities such as toilets. These can be single-sex if it is a proportionate means of achieving a legitimate aim and they meet other conditions in the Act. However, it could be indirect sex discrimination against women if the only provision is mixed-sex.

In workplaces and services that are open to the public where separate single-sex facilities are lawfully provided:

- trans women (biological men) should not be permitted to use the women's facilities and trans men (biological women) should not be permitted to use the men's facilities, as this will mean that they are no longer single-sex facilities and must be open to all users of the opposite sex
- in some circumstances the law also allows trans women (biological men) not to be permitted to use the men's facilities, and trans men (biological woman) not to be permitted to use the women's facilities
- however where facilities are available to both men and women, trans people should not be put in a position where there are no facilities for them to use
- where possible, mixed-sex toilet, washing or changing facilities in addition to sufficient single-sex facilities should be provided

For the full interim update, see <http://bit.ly/4tIQaEN>

